

more additional boxes (subject to availability) to which mail will be addressed.

4.0 FEES

4.8 General Delivery

[Replace the second sentence with the following:] For other customers, general delivery may be provided subject to the standards for that service.

D920 Caller Service

1.0 BASIC INFORMATION

1.7 Uses

Subject to D910, when mail for a customer's post office box(es) exceeds the capacity of the box(es) on 12 of any 20 consecutive business days (excluding Saturdays, Sundays, and national holidays), or when the customer seeks multiple caller service separations, the postmaster can require the customer to use caller service, change to a larger box, or use one or more additional boxes (subject to availability) to which mail will be addressed. Not more than once per semiannual payment period, a customer who was required to use caller service based on the volume of mail received may submit a written request to the postmaster for a new determination of whether sufficient volume remains to require continued use of caller service.

4.0 FEES

4.6 BOX NUMBERS

[Delete the last sentence.]

D930 General Delivery

1.0 BASIC INFORMATION

1.1 Purpose

General delivery is intended for use primarily at:

a. Post offices without carrier delivery service.

b. Non-city delivery offices for customers who prefer not to use post office box service and for whom use of post office box or caller service, or delivery by carrier, would be an unreasonable inconvenience.

c. Any post office to serve transients and customers not permanently located.

1.2 Restrictions on Service

Postmasters may restrict the use of general delivery by customers:

a. Who cannot present suitable identification.

b. At post offices having city carrier service, even if customers neither advise the post office of their delivery address nor obtain post office box or caller service.

c. Whose volume of mail or level of service (e.g., holding mail) cannot be reasonably accommodated.

1.3 Delivery to Addressee

General delivery customers can be required to present suitable identification before mail is given to them.

1.4 Holding Mail

General delivery mail is held for no more than 30 days, unless a shorter period is requested by the sender. Subject to 1.2, general delivery mail may be held for longer periods if requested by the sender or addressee.

2.0 FIRM HOLDOUTS

[Delete the section.]

P070 Mixed Classes

[Note: The revision below is to DMM Issue 47 (4-10-94); the revised section was shown as P072.1.2 in the proposed rule, based on DMM Issue 46 that was in effect at that time.]

6.0 EXPRESS MAIL AND PRIORITY MAIL DROP SHIPMENT

6.2 Listing Destination Offices

[In the second sentence, replace "10 workdays" with "3 business days."]

S911 Registered Mail

4.0 DELIVERY CONDITIONS

4.1 Basic Conditions

Delivery of registered mail is subject to the standards in D042. The postmaster can require the addressee to call for registered mail at the post office if delivery by carrier would not be safe. [Delete existing 4.2 (the deleted material is relocated to D042.1.7); renumber 4.3 as 4.2.]

S912 Certified Mail

3.0 DELIVERY

[Replace existing 3.1 and 3.2 with the following:]

Delivery of certified mail is subject to the standards in D042.

S913 Insured Mail

3.0 DELIVERY

[Replace existing 3.1 and 3.2 with the following:]

A parcel insured for \$50 or less is delivered as ordinary mail. Delivery of insured mail is subject to the standards in D042.

S915 Return Receipts

3.0 DELIVERY

[Replace existing 3.1 and 3.2 with the following:]

Delivery of mail for which a return receipt is requested is subject to the standards in D042.

S916 Restricted Delivery

3.0 DELIVERY

3.1 Conditions

[At the end of the first sentence, replace "except that" with "subject to D042 and these exceptions."]

S917 Return Receipt for Merchandise

3.0 DELIVERY

[Replace existing 3.1 with the following:]

Delivery of return receipt for merchandise mail is subject to the standards in D042.

S921 Collect on Delivery (COD) Mail

4.0 DELIVERY

[Delete existing 4.2 and 4.3; renumber existing 4.1 and 4.4 as 4.2 and 4.3; insert new 4.1 as follows:]

4.1 Basic Conditions

Delivery of COD mail is subject to the standards in D042.

A transmittal letter making these changes in the pages of the Domestic Mail Manual will be published and will be transmitted to subscribers automatically. Notice of issuance will be published in the *Federal Register* as provided by 39 CFR 111.3.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 94-15323 Filed 6-22-94; 8:45 am]

BILLING CODE 7710-12-P

ENVIRONMENTAL PROTECTION AGENCY**40 CFR Part 9**

[FRL-5004-1]

OMB Approval Numbers Under the Paperwork Reduction Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Amendment.

SUMMARY: The Environmental Protection Agency is adding the display of Office of Management and Budget (OMB) control numbers issued under the Paperwork Reduction Act (PRA) to the consolidated table at 40 CFR part 9.

EFFECTIVE DATE: This final rule is effective July 25, 1994.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer on (202) 260-2740.

SUPPLEMENTARY INFORMATION: EPA is today amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. Today's amendment updates the table to accurately display those information requirements promulgated under the Clean Water Act, and the Safe Drinking Water Act. The affected regulations are codified at 40 CFR parts 35, 233, 122, 123, 141, 142, 403, 423, 430, 431, 439, 465, 466, and 467. EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR Part 9 of the Agency's regulations, and in each 40 CFR volume containing EPA regulations. The table lists the section numbers with reporting and recordkeeping requirements, and the current OMB control numbers. This display of the OMB control number(s) and its (their) subsequent codification in the Code of Federal Regulations satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR Part 1320.

The ICR(s) were previously subject to public notice and comment prior to OMB approval. As a result, EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

List of Subjects in 40 CFR Part 9

Reporting and recordkeeping requirements.

Dated: June 17, 1994.
Carol M. Browner,
Administrator.

For the reasons set out in the preamble 40 CFR part 9 is amended as follows:

PART 9—[AMENDED]

1. The authority citation for part 9 is amended to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1318, 1321, 1326, 1330, 1342, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

2. Section 9.1 is amended by adding new entries immediately following the heading "State and Local Assistance"; by revising the following entries under the heading "EPA Administered Permit Programs: The National Pollutant Discharge Elimination System"; by revising the following entries under the heading "State Permit Requirements"; by revising the following entries under the heading "General Pretreatment Regulations for Existing and New Sources of Pollution"; by revising under the heading "404 State Program Regulations" the OMB control number "2090–0015" to read "2040–0168" wherever it appears; by removing under the heading "General Pretreatment Regulations for Existing and New Sources of Pollution" the OMB control number "2040–0150" wherever it appears; and by removing under the heading "National Primary Drinking Water Regulations" and "National Primary Drinking Water Regulations Implementation" the phrase "as amended by 2040–0155" wherever it appears to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR Citation	OMB Control No.
State and Local Assistance	
35.2015	2040–0027
35.2025	2040–0027
35.2034	2040–0027
35.2040	2040–0027
35.2105–	
35.2107 ...	2040–0027
35.2110	2040–0027
35.2114	2040–0027
35.2118	2040–0027

40 CFR Citation	OMB Control No.
35.2120	2040–0027
35.2127	2040–0027
35.2130	2040–0027
35.2140	2040–0027
35.2211–	
35.2212 ...	2040–0027
35.2215–	
35.2216 ...	2040–0027
35.2218	2040–0027
35.3010	2040–0095
35.3030	2040–0095
35.3130	2040–0118
35.3135	2040–0118
35.3140	2040–0118
35.3145	2040–0118
35.3150	2040–0118
35.3155	2040–0118
35.3160	2040–0118
35.3165	2040–0118
35.3170	2040–0118

EPA Administered Permit Programs: The National Pollutant Discharge Elimination System

122.21(f)–(l) 2040–0086, 2040–0170

122.21(m)–(p) 2040–0068, 2040–0170

122.41(h) 2040–0068, 2040–0170

122.41(j) 2040–0009, 2040–0110, 2040–0170

122.41(i) 2040–0110, 2040–0068, 2040–0170

122.42(a), (b), (l) 2040–0068, 2040–0170

122.44(g), (i) 2040–0004, 2040–0170

122.47(a) 2040–0110, 2040–0170

122.47(b) 2040–0110, 2040–0068, 2040–0170

122.48 2040–0004, 2040–0170

122.62(a) 2040–0068, 2040–0170

122.63 2040–0068, 2040–0170

State Permit Requirements

123.25 2040–0004, 2040–0110, 2040–0170

123.21–123.29 2040–0057, 2040–0170

40 CFR Citation	OMB Control No.
123.43- 123.45	2040-0057, 2040-0170
123.62- 123.64	2040-0057, 2040-0170
* * *	
General Pretreatment Regulations for Existing and New Sources of Pollution	
* * *	
403.17- 403.18	2040-0009, 2040-0170

c. Section 9.1 is further amended in the table by adding new headings and entries in numerical order to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * *

40 CFR citation	OMB control No.
* * *	
Steam Electric Generating Point Source Category	
423.12-423.13	2040-0033
423.15	2040-0033
Pulp, Paper, and Paperboard Point Source Category	
430.14-430.17	2040-0033
430.24-430.27	2040-0033
430.54-430.57	2040-0033
430.64-430.67	2040-0033
430.74-430.77	2040-0033
430.84-430.87	2040-0033
430.94-430.97	2040-0033
430.104-430.107	2040-0033
430.114-430.117	2040-0033
430.134-430.137	2040-0033
430.144-430.147	2040-0033
430.154-430.157	2040-0033
430.164-430.167	2040-0033
430.174-430.177	2040-0033
430.184-430.187	2040-0033
430.194-430.197	2040-0033
430.204-430.207	2040-0033
430.214-430.217	2040-0033
430.224-430.227	2040-0033
430.234-430.237	2040-0033
430.244-430.247	2040-0033
430.254-430.257	2040-0033
430.264-430.267	2040-0033

The Builders' Paper and Board Mills Point Source Category	
431.14-431.17	2040-0033

40 CFR citation	OMB control No.
Pharmaceutical Manufacturing Point Source Category	
439.14-439.17	2040-0033
439.24-439.27	2040-0033
439.34-439.37	2040-0033
439.44-439.47	2040-0033
Coil Coating Point Source Category	
465.03	2040-0033
Porcelain Enameling Point Source Category	
466.03	2040-0033
Aluminum Forming Point Source Category	
467.03	2040-0033
* * *	

[FR Doc. 94-15335 Filed 6-22-94; 8:45 am]

BILLING CODE 6580-50-P

40 CFR Parts 9 and 60

[FRL-5004-2]

OMB Approval Numbers Under the Paperwork Reduction Act

AGENCY: Environmental Protection Agency (EPA).

ACTION: Technical amendment.

SUMMARY: In compliance with the Paperwork Reduction Act, this notice displays the Office of Management and Budget (OMB) control numbers issued under the Paperwork Reduction Act for Determining Conformity of General Federal Actions to State or Federal Implementation Plans, 40 CFR 51.850-51.860, 93.150-93.160; New Source Performance Standards for Reactor Processes in the Synthetic Organic Chemical Manufacturing Industry (SOCMI), 40 CFR part 60, subpart RRR; and, National Emission Standards for Hazardous Air Pollutants for Source Categories: Organic Hazardous Air Pollutants from the SOCMI and Other Processes Subject to the Negotiated Regulation for Equipment Leaks, 40 CFR part 63, subparts F, G, H, and I.

EFFECTIVE DATE: This final rule is effective on July 25, 1994.

FOR FURTHER INFORMATION CONTACT: Ellen Rattigan (202) 260-9501.

SUPPLEMENTARY INFORMATION: EPA is today amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. Today's amendment updates the table to display

accurately those information requirements promulgated under the rule for Determining Conformity of General Federal Actions to State or Federal Implementation Plans; New Source Performance Standards for Reactor Processes in the Synthetic Organic Chemical Manufacturing Industry (SOCMI); and, National Emission Standards for Hazardous Air Pollutants for Source Categories: Organic Hazardous Air Pollutants from the SOCMI and Other Processes Subject to the Negotiated Regulation for Equipment Leaks. These regulations appeared in the Federal Register on February 22, 1994 (59 FR 8411), August 31, 1993 (58 FR 45948), and April 22, 1994 (59 FR 19402), respectively. The affected regulations are codified at 40 CFR 51.850-51.860, 93.150-93.160; 40 CFR part 60, subpart RRR; and, 40 CFR part 63, subparts F, G, H, and I, respectively. EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations, and in each CFR volume containing EPA regulations. The table lists the section numbers with reporting and recordkeeping requirements, and the current OMB control numbers. This display of the OMB control numbers and their subsequent codification in the Code of Federal Regulations satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

The ICRs were previously subject to public notice and comment prior to OMB approval. As a result, EPA finds that there is "good cause" under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary.

List of Subjects

40 CFR Part 9

Reporting and recordkeeping requirements.

40 CFR Part 60

Air pollution control.

Dated: June 17, 1994.

Carol M. Browner,
Administrator.

For the reasons set out in the preamble, chapter I, title 40 of the Code of Federal Regulations, is amended as follows:

PART 9—[AMENDED]

1. In Part 9:

a. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1321, 1326, 1330, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243; 3 CFR, 1971–1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g–1, 300g–2, 300g–3, 300g–4, 300g–5, 300g–6, 300j–1, 300j–2, 300j–3, 300j–4, 300j–9, 1857 *et seq.*, 6901–6992k, 7401–7671q, 7542, 9601–9657, 11023, 11048.

b. Section 9.1 is amended by removing the entry for 60.7(d), and by adding new entries under the indicated headings to read as follows:

§9.1 OMB approvals under the Paperwork Reduction Act.

40 CFR citation	OMB control No.
Requirements for Preparation, Adoption, and Submittal of Implementation Plans	

51.850–51.860	2060–0279
Standards of Performance for New Stationary Sources	
60.703–60.705	2060–0269

Determining Conformity of Federal Actions to State or Federal Implementation Plans	
93.150–93.160	2060–0279

National Emission Standards for Hazardous Air Pollutants for Source Categories ³	
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c. Section 9.1 is also amended by revising the heading for “National Emission Standards for Hazardous Air Pollutants for Source Categories”, and by adding new entries to the table to read as follows:

§9.1 OMB approvals under the Paperwork Reduction Act.

40 CFR citation	OMB control No.
National Emission Standards for Hazardous Air Pollutants for Source Categories ³	

40 CFR citation	OMB control No.
63.103	2060–0282
63.105	2060–0282
63.117–63.118	2060–0282
63.122–63.123	2060–0282
63.129–63.130	2060–0282
63.146–63.148	2060–0282
63.151–63.152	2060–0282
63.181–63.182	2060–0282

³ The ICRs referenced in this section of the Table encompass the applicable general provisions contained in 40 CFR part 63, subpart A, which are not independent information collection requirements.

PART 60—[AMENDED]

2. In part 60:
a. The authority citation for part 60 continues to read as follows:

Authority: 42 U.S.C. 7401, 7411, 7414, 7416, and 7601 as amended by the Clean Air Act Amendments of 1990, Pub. L. 101–549, 104 Stat. 2399 (Nov. 15, 1990); 402, 409, 415 of the Clean Air Act as amended, 104 Stat. 2399 unless otherwise noted.

§ 60.604 [Amended]

b. Section 60.604 is amended by removing the Note at the end of the section.

[FR Doc. 94–15336 Filed 6–22–94; 8:45 am]
BILLING CODE 6560–50–P

40 CFR Part 9

[OPPTS–00141; FRL–4779–5]

OMB Approval Numbers Under the Paperwork Reduction Act

AGENCY: Environmental Protection Agency (EPA).
ACTION: Technical Amendment.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA), this technical amendment amends the table which displays the control numbers issued by the Office of Management and Budget (OMB) under the PRA. This technical amendment updates the table to accurately display in the Code of Federal Regulations the OMB approvals related to several recent EPA regulations, as well as to reflect changes in the status of other information requirements previously included in the table.

EFFECTIVE DATE: This final rule is effective June 23, 1994.

FOR FURTHER INFORMATION CONTACT: Angela F. Hofmann, Regulatory

Coordination Staff, Office of Prevention, Pesticides and Toxic Substances (OPPTS), U.S. Environmental Protection Agency, Mail code 7101, 401 M St., SW., Washington, DC 20460, telephone 202–260–2890, fax 202–260–0951.

SUPPLEMENTARY INFORMATION: EPA is amending the table of currently approved information collection request (ICR) control numbers issued by OMB for various regulations. Today's amendment updates the table to accurately display those information requirements promulgated under several final rules which have appeared in the *Federal Register* since the original publication of this chart on June 23, 1993 (58 FR 34198), as well as to reflect a few changes in ICR numbers. The affected regulations are codified at 40 CFR parts 707, 721, 761 and 799. EPA will continue to present OMB control numbers in a consolidated table format to be codified in 40 CFR part 9 of the Agency's regulations. The table in part 9 will be carried in each CFR volume containing EPA regulations. The table lists the section numbers with reporting and recordkeeping requirements, and the current OMB control numbers. The display of the OMB control numbers in the *Federal Register* notices associated with the final rules and their subsequent codification in the Code of Federal Regulations satisfies the requirements of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*) and OMB's implementing regulations at 5 CFR part 1320.

The ICRs were previously subject to public notice and comment prior to OMB approval. As a result, EPA finds that there is “good cause” under section 553(b)(B) of the Administrative Procedure Act (5 U.S.C. 553(b)(B)) to amend this table without prior notice and comment. Due to the technical nature of the table, further notice and comment would be unnecessary. For the same reasons, EPA also finds that there is good cause under 5 U.S.C. 553(d)(3).

List of Subjects in 40 CFR Part 9

Reporting and recordkeeping requirements.

Dated: June 10, 1994.

Carol M. Browner,
Administrator.

Therefore, 40 CFR Chapter I is amended as follows:

PART 9—[AMENDED]

1. The authority citation for part 9 continues to read as follows:

Authority: 7 U.S.C. 135 *et seq.*, 136–136y; 15 U.S.C. 2001, 2003, 2005, 2006, 2601–2671; 21 U.S.C. 331j, 346a, 348; 31 U.S.C. 9701; 33 U.S.C. 1251 *et seq.*, 1311, 1313d, 1314, 1321,

1326, 1330, 1344, 1345 (d) and (e), 1361; E.O. 11735, 38 FR 21243, 3 CFR, 1971-1975 Comp. p. 973; 42 U.S.C. 241, 242b, 243, 246, 300f, 300g, 300g-1, 300g-2, 300g-3, 300g-4, 300g-5, 300g-6, 300j-1, 300j-2, 300j-3, 300j-4, 300j-9, 1857 et seq., 6901-6992k, 7401-7671q, 7542, 9601-9657, 11023, 11048.

2. Section 9.1 is amended by removing from the table the entire entry for "707.20", "721.1600", "721.2000", "721.2460", "721.3540", "721.6480", "721.6820", and "761.20(e)" and by adding in section number order, new entries to the table under "Significant New Uses of Chemical Substances," and "Identification of Specific Chemical Substance and Mixture Testing Requirements," to read as follows:

§ 9.1 OMB approvals under the Paperwork Reduction Act.

* * * * *

40 CFR Citation	OMB Control No.
Significant New Uses of Chemical Substances	
721.285	2070-0012
721.320	2070-0012
721.323	2070-0012
721.470	2070-0012
721.536	2070-0012
721.715	2070-0012
721.757	2070-0012
721.982	2070-0012
721.1068	2070-0012
721.1372	2070-0012
721.1430	2070-0038
721.1435	2070-0038
721.1440	2070-0038
721.1555	2070-0012
721.1568	2070-0012
721.1612	2070-0012
721.1630	2070-0012
721.1637	2070-0012
721.1640	2070-0012
721.1645	2070-0012
721.1728	2070-0012
721.1732	2070-0012

40 CFR Citation	OMB Control No.
721.1740	2070-0012
721.1920	2070-0012
721.2084	2070-0038
721.2092	2070-0038
721.2170	2070-0012
721.2260	2070-0012
721.2270	2070-0012
721.2287	2070-0038
721.2355	2070-0038
721.2565	2070-0012
721.2575	2070-0012
721.2930	2070-0012
721.2950	2070-0012
721.3350	2070-0038
721.3364	2070-0012
721.3367	2070-0012
721.3374	2070-0012
721.3390	2070-0012
721.3430	2070-0038
721.3435	2070-0012
721.4080	2070-0038
721.4155	2070-0038
721.4215	2070-0012
721.4250	2070-0012
721.4255	2070-0012
721.4490	2070-0012
721.4550	2070-0012
721.4585	2070-0012
721.4590	2070-0012
721.4794	2070-0012
721.5075	2070-0012
721.5175	2070-0038
721.5285	2070-0012

40 CFR Citation	OMB Control No.
721.5310	2070-0012
721.5330	2070-0012
721.5385	2070-0012
721.5705	2070-0012
721.5710	2070-0038
721.5910	2070-0012
721.5915	2070-0012
721.5920	2070-0012
721.5970	2070-0012
721.5990	2070-0012
721.6070	2070-0012
721.6085	2070-0012
721.6090	2070-0012
721.7450	2070-0012
721.7655	2070-0012
721.7710	2070-0012
721.7770	2070-0012
721.8082	2070-0012
721.8160	2070-0012
721.8265	2070-0012
721.8290	2070-0012
721.8335	2070-0012
721.8650	2070-0012
721.8654	2070-0012
721.9000	2070-0038
721.9100	2070-0012
721.9470	2070-0038
721.9510	2070-0012
721.9580	2070-0038
721.9620	2070-0012
721.9650	2070-0012
721.9660	2070-0038
721.9665	2070-0012
721.9668	2070-0012
721.9750	2070-0012

40 CFR Citation	OMB Control No.
721.9925	2070-0012
721.9957	2070-0038
Identification of Specific Chemical Substance and Mixture Testing Requirements	
799.5050	2070-0033
799.5075	2070-0033

[FR Doc. 94-15165 Filed 6-22-94; 8:45 am]
BILLING CODE 6560-50-F

40 CFR Part 51

[FRL-5003-9]

Inspection/Maintenance Program Requirements; Correcting Amendments; Correction

AGENCY: Environmental Protection Agency.

ACTION: Correction to Inspection/Maintenance Program Requirements Correcting Amendments.

SUMMARY: This document contains a correction to the Inspection/Maintenance Program Requirements; Correcting Amendments, which were published Tuesday, November 9, 1993, (58 FR 59366).

EFFECTIVE DATE: This correction will take effect on: June 23, 1994.

FOR FURTHER INFORMATION CONTACT: Eugene J. Tierney (313) 668-4456.

SUPPLEMENTARY INFORMATION:

Background

The authority for the technical amendment that is the subject of these corrections, is granted to the Environmental Protection Agency (EPA) by sections 182(a), 182(b), 182(c), 184(b), 187(a) and 118 of the Clean Air Act as amended (42 U.S.C. 7401 et seq).

Need for Correction

As published, the final technical amendment contained a typing error which may prove to be misleading and is in need of clarification. The error is not substantial nor of a technical basis as to change the original intent of the technical amendment.

In § 51.351 when referring to emission standards for 1994 and newer light-duty vehicles and light-duty trucks under

6,000 pounds GVWR and meeting Tier 1 emission standards of 0.70 gpm HC, 15 gpm CO and 2.0 gpm NO_x; the rule incorrectly refers to the NO_x standard as being 2.5 gpm NO_x. This was not the intent of the technical amendment. The NO_x standard of 2.5 gpm NO_x as written in the technical amendment should be changed to read 2.0 gpm NO_x.

Correction of Publication

Accordingly, the publication on November 9, 1993 of the correcting amendment is corrected as follows:

§ 51.351 [Corrected]

On page 59367 in the second column, in § 51.351 paragraph (v) is amended by revising the word "2.5 gpm NO_x" to "2.0 gpm NO_x." It is revised to read as follows:

(v) Emission standards for 1994 and later light duty trucks under 6000 pounds GVWR and meeting Tier 1 emission standards of 0.70 gpm HC, 15 gpm CO and 2.0 gpm NO_x;

Dated: June 9, 1994.

Richard Wilson,
Office Director.

[FR Doc. 94-15334 Filed 6-22-94; 8:45 am]
BILLING CODE 6560-50-P

40 CFR Part 52

[KY-066-1-5598; KY-071-1-6129; KY-070-1-6193; FRL-4882-5]

Approval and Promulgation of Implementation Plans Kentucky: Approval of Revisions to the Kentucky State Implementation Plan Regulating Volatile Organic Compounds

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On October 20, 1992, February 17, 1993, and March 4, 1993, the Commonwealth of Kentucky, and Jefferson County, Kentucky, respectively, through the Natural Resources and Environmental Protection Cabinet, submitted revisions to the Kentucky State Implementation Plan (SIP). EPA is approving or conditionally approving these submittals of revisions relating to the control of Volatile Organic Compounds (VOCs). The October 20, 1992 and February 17, 1993, submittals corrected, or committed to correct, all of Kentucky's deficiencies between EPA's requirements and the Commonwealth's SIP. The February 17, 1993, submittal also contained regulations for the purpose of implementing permitting revisions for new VOC sources within

the Commonwealth of Kentucky's ozone nonattainment areas.

DATES: This final rule will be effective August 22, 1994 unless notice is received by July 25, 1994 that someone wishes to submit adverse or critical comments. If the effective date is delayed, timely notice will be published in the Federal Register.

ADDRESSES: Comments on these submittals may be mailed to Doug Deakin at the EPA Region IV address listed below. Copies of the material submitted by the Commonwealth of Kentucky may be examined during normal business hours at the following locations:

Air and Radiation Docket and Information Center (Air Docket 6102), U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460.

Region IV Air Programs Branch, Environmental Protection Agency, 345 Courtland Street, NE., Atlanta, Georgia 30365;

Division for Air Quality, Department for Environmental Protection, Natural Resources and Environmental Protection Cabinet, 316 St. Clair Mall, Frankfort, Kentucky 40601.

FOR FURTHER INFORMATION CONTACT:

Scott Southwick or Doug Deakin of the EPA Region IV Air Programs Branch at (404) 347-2864 or at the Region IV's address.

SUPPLEMENTARY INFORMATION: On March 3, 1978 (43 FR 8962), EPA designated Jefferson County; Boyd County; and Boone, Kenton, and Campbell Counties (the Kentucky portion of the Cincinnati Area, Northern Kentucky) as nonattainment areas for ozone. The Commonwealth of Kentucky was subsequently required to revise its ozone SIP for these areas. The Commonwealth officially submitted Appendix N—the Jefferson County portion of the Kentucky SIP, and the Kentucky SIP, to the EPA on June 6, 1979. On January 25, 1980, the EPA announced final approval of Appendix N and the Kentucky ozone SIP.

The approved control strategy did not result in attainment of the National Ambient Air Quality Standard (NAAQS) for ozone by December 31, 1987, and EPA called upon the Commonwealth to revise the SIP. All of the deficiencies that were required to be corrected were identified in the two November 9, 1987, letters from Winston A. Smith, Director of Air, Pesticides & Toxics Management Division, to: (1) Roger McCann, Director, Division of Air Quality, Commonwealth of Kentucky's Natural Resources and Environmental Protection Cabinet; and (2) and Robert T. Offutt, Secretary-Treasurer, Jefferson County Air

Pollution Control District.

Subsequently, the SIP call letter for ozone from Greer C. Tidwell, the EPA Regional Administrator, to Governor Wallace G. Wilkinson on May 26, 1988, required the Commonwealth to correct these deficiencies. This letter, pursuant to section 110(a)(2)(H) of the 1977 Clean Air Act, notified Kentucky that the SIP was substantially inadequate to achieve the NAAQS for ozone in Northern Kentucky, Jefferson County, and Boyd County and called upon the Commonwealth to revise the SIP.

The Clean Air Act was amended on November 15, 1990, Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In amended section 182(a)(2)(A), Congress statutorily adopted the requirement that ozone nonattainment areas fix their deficient Reasonably Available Control Technology (RACT) rules for ozone. Areas designated nonattainment before amendment of the CAA and which retained that designation and were classified as marginal or above as of enactment are required to meet the RACT Fix-ups requirement. Under section 182(a)(2)(A), those areas were required by May 15, 1991, to correct RACT regulations as required under pre-amendment guidance.¹ The SIP call letters interpreted that guidance and indicated corrections necessary for specific nonattainment areas. The Jefferson County, Boyd County, and Northern Kentucky nonattainment areas, classified as moderate,² were pre-enactment nonattainment areas. Therefore, these areas are subject to the RACT fix-up requirement and the May 15, 1991, deadline.

Kentucky failed to meet the May 15, 1991, date and EPA notified the Commonwealth on June 25, 1991, that a finding of failure to submit had been made. This finding of failure to submit was published on October 22, 1991 (56 FR 54554), triggering the: (1) 18-month time clock for mandatory application of sanctions under section 179(a) and (2) the 2-year time clock for promulgation of a Federal Implementation Plan (FIP)

¹ Among other things, the pre-amendment guidance consists of the VOC RACT portions of the Post-87 policy, 52 FR 45044 (Nov. 24, 1987); the Bluebook, "Issues Relating to VOC Regulation Cutpoints, Deficiencies and Deviations, Clarification to Appendix D of November 24, 1987 Federal Register Notice" (of which notice of availability was published in the Federal Register on May 25, 1988); and the existing Control Technology Guidelines (CTGs).

² Jefferson County, Boyd County, and Northern Kentucky retained their designation of nonattainment and were classified by operation of law pursuant to sections 107(d) and 181(a) upon enactment of the Amendments, 56 FR 56694 (November 6, 1991).

VOC regulations for these areas as required by section 110(c)(1).

The 18-month period prior to application of mandatory sanctions ended on April 22, 1993. Kentucky and Jefferson County, Kentucky submitted SIP revisions through the Natural Resources and Environmental Protection Cabinet to EPA on February 12, 1992, October 20, 1992, February 17, 1993 and March 4, 1993—prior to the April 22, 1993 deadline. Because the revisions addressed all RACT Fix-up deficiencies and were found to contain all required administrative and technical components, the 18-month time clock for mandatory application of sanctions under section 179(a) was stopped. However, the Federal Implementation Plan (FIP) clock continued to run. EPA's final approval action relieves EPA of the FIP obligation for those portions of the submittal that are being fully approved. EPA is approving the following revisions except where it is specifically noted that the revision is being conditionally approved.

The air quality planning and SIP requirements for ozone nonattainment and transport areas are set out in subparts I and II of part D of title I of the CAA. Section 182 of the CAA sets out a graduated control program for ozone nonattainment areas. Following is a summary of the applicable revisions addressing these requirements.

Action was taken on the SIP revisions submitted on February 12, 1992, in 58 FR 54516. This notice approves the SIP revisions contained in the October 20, 1992, February 17, 1993 and March 4, 1993, submittals.

Jefferson County, KY

Regulation 1.05. Compliance With Emission Standards and Maintenance Requirements

Section 3.4.2 was amended, clarifying that a source must notify the district in writing when changes are made to capture or control equipment.

Section 4.0 was added and specifies which sources are applicable and details how sources are required to maintain daily records that demonstrate compliance with the VOC emission standards defined in Regulations 6 and 7.

Regulation 1.06. Source Self-Monitoring and Reporting

Section 1.0 was amended to state that in selected instances involving the incineration of hazardous infectious wastes where repeated or on-going violations occur, Jefferson County may require the use of data storage,

transmission equipment, and transmission lines to be used in emission monitoring. This section was also amended to state that Jefferson County may require more specific requirements for individual facilities than regulations applicable to such facility. The final revision to this section was a minor change to clarify the regulation.

Section 3 was amended to specify in greater detail the requirements for reporting emissions data.

Regulation 6.17. Standard of Performance for Existing Automobile and Truck Surface Coating Operations

Section 1.0 was amended to revise the applicability of the regulation to all trucks in lieu of only light duty trucks. All references in this regulation to "light duty trucks" have been revised to "trucks."

Definition 2.14 "Light-duty truck" was deleted.

Definition 2.22 was added to define "Truck." Truck is defined as, "a vehicle, regardless of size or weight, designed primarily for transportation of payloads or property consisting of, but not limited to, thirteen or more passengers, cargo, recreational or commercial equipment."

Regulation 6.36. Standard of Performance for Existing Metal Parts and Products Surface Coating Operations at Heavy Duty Truck Manufacturing Plants

This regulation is repealed. Sources previously subject to this regulation are now subject to Regulation 6.17 Standard of Performance for Existing Automobile and Truck Surface Coating Operations.

The Commonwealth of Kentucky

391-3-1-.03—New Source Permits

The CAA requires all classified nonattainment areas to meet several requirements regarding new source review (NSR) provisions to ensure that increased emissions of volatile organic compounds will not result from any new or major source modifications. These requirements include a rule for modifications of major sources (i.e., those emitting 100 tons or more) and a general offset rule. The Kentucky Natural Resources and Environmental Protection Cabinet submitted a revised NSR permitting rule on February 17, 1993, to incorporate new VOC and NO_x ozone nonattainment area permit review requirements for new and modified sources in Kentucky's nonattainment areas. The revised permit requirements meet new offset ratios and additional provisions for moderate ozone

nonattainment areas pursuant to section 182(b) of the CAA.

Recodification

Throughout the following regulations submitted for amendment by the Commonwealth of Kentucky, minor revisions were made which clarified the meaning or recodified the regulation. However, the intent and the applicability of the regulations remains the same. These minor revisions will not be detailed below.

The order of Section 1 Applicability and Section 2 Definitions was changed to Section 1 Definitions and Section 2 Applicability. This change was made in the following regulations:

- Regulation 401 KAR 51:017. Prevention of significant deterioration of air quality;
- Regulation 401 KAR 51:052. Review of New Sources in or impacting on nonattainment areas;
- Regulation 401 KAR 59:175. New service stations;
- Regulation 401 KAR 59:185. New solvent metal cleaning equipment;
- Regulation 401 KAR 59:190. New insulation of magnet wire operations;
- Regulation 401 KAR 59:210. New fabric, vinyl and paper surface coating operations;
- Regulation 401 KAR 59:212. New graphic arts facilities using rotogravure and flexography;
- Regulation 401 KAR 59:214. New factory surface coating operations of flat wood paneling;
- Regulation 401 KAR 59:225. New miscellaneous metal parts and products surface coating operations;
- Regulation 401 KAR 59:230. New synthesized pharmaceutical product manufacturing operations;
- Regulation 401 KAR 59:240. New perchloroethylene dry cleaning systems;
- Regulation 401 KAR 61:050. Existing storage vessels for petroleum liquids;
- Regulation 401 KAR 61:085. Existing service stations;
- Regulation 401 KAR 61:090. Existing automobile and light-duty truck surface coating operations;
- Regulation 401 KAR 61:095. Existing solvent metal cleaning equipment;
- Regulation 401 KAR 61:100. Existing insulation of magnet wire operations;
- Regulation 401 KAR 61:105. Existing metal furniture surface coating operations;
- Regulation 401 KAR 61:110. Existing large appliance surface coating operations;
- Regulation 401 KAR 61:120. Existing fabric, vinyl and paper surface coating operations;

- Regulation 401 KAR 61:124. Existing factory surface coating operations of flat wood paneling;
- Regulation 401 KAR 61:125. Existing can surface coating operations;
- Regulation 401 KAR 61:130. Existing coil surface coating operations;
- Regulation 401 KAR 61:132. Existing miscellaneous metal parts and products surface coating operations;
- Regulation 401 KAR 61:137. Leaks from existing petroleum refinery equipment;
- Regulation 401 KAR 61:150. Existing synthesized pharmaceutical product manufacturing operations;
- Regulation 401 KAR 61:155. Existing pneumatic rubber tire manufacturing plants;
- Regulation 401 KAR 61:160. Existing perchloroethylene dry cleaning systems;
- Regulation 401 KAR 61:175. Leaks from existing synthetic organic chemical and polymer manufacturing equipment;
- Regulation 401 KAR 63:025. Asphalt paving operations;
- Regulation 401 KAR 63:031. Leaks from gasoline tank trucks.

Definitions

The definition of "Classification date" was amended to state "June 29, 1979," in lieu of "the effective date of this regulation" in the following regulations:

- Regulation 401 KAR 59:190,
- Regulation 401 KAR 61:090,
- Regulation 401 KAR 61:100,
- Regulation 401 KAR 61:105,
- Regulation 401 KAR 61:110,
- Regulation 401 KAR 61:125, and
- Regulation 401 KAR 61:130.

The definition of "Classification date" was amended to state "February 4, 1981," in lieu of "the effective date of this regulation" in the following regulations:

- Regulation 401 KAR 59:212,
- Regulation 401 KAR 59:214,
- Regulation 401 KAR 59:225,
- Regulation 401 KAR 59:230,
- Regulation 401 KAR 59:240,
- Regulation 401 KAR 61:124,
- Regulation 401 KAR 61:132,
- Regulation 401 KAR 61:137,
- Regulation 401 KAR 61:150,
- Regulation 401 KAR 61:155, and
- Regulation 401 KAR 61:160.

The definition of "Process storage" was amended. " * * * storage tanks. . ." was revised to " * * * storage tanks of petroleum liquids * * *" and 401 KAR 59:052 was added to the list of regulations this definition references in the following regulations:

- Regulation 401 KAR 59:190,
- Regulation 401 KAR 59:210,

- Regulation 401 KAR 59:212,
- Regulation 401 KAR 59:214,
- Regulation 401 KAR 59:225,
- Regulation 401 KAR 61:090,
- Regulation 401 KAR 61:100,
- Regulation 401 KAR 61:105,
- Regulation 401 KAR 61:110,
- Regulation 401 KAR 61:120,
- Regulation 401 KAR 61:124,
- Regulation 401 KAR 61:125,
- Regulation 401 KAR 61:130, and
- Regulation 401 KAR 61:132.

The definition of "Volatile organic compounds" was deleted from the following regulations (which now reference the general definition):

- Regulation 401 KAR 59:185,
- Regulation 401 KAR 59:190,
- Regulation 401 KAR 59:210,
- Regulation 401 KAR 59:212,
- Regulation 401 KAR 59:214,
- Regulation 401 KAR 59:225,
- Regulation 401 KAR 59:230,
- Regulation 401 KAR 59:240,
- Regulation 401 KAR 61:050,
- Regulation 401 KAR 61:090,
- Regulation 401 KAR 61:095,
- Regulation 401 KAR 61:100,
- Regulation 401 KAR 61:105,
- Regulation 401 KAR 61:110,
- Regulation 401 KAR 61:120,
- Regulation 401 KAR 61:124,
- Regulation 401 KAR 61:125,
- Regulation 401 KAR 61:130,
- Regulation 401 KAR 61:132,
- Regulation 401 KAR 61:137,
- Regulation 401 KAR 61:150,
- Regulation 401 KAR 61:155,
- Regulation 401 KAR 61:160,
- Regulation 401 KAR 61:175, and
- Regulation 401 KAR 63:025.

Applicability

The Applicability section was amended to meet EPA requirements. These regulations are now applicable to a facility commenced on or after June 29, 1979, and located in moderate or above nonattainment area or a facility commenced on or after the effective date of this regulation and is a portion of a major source located in an attainment area or marginal nonattainment area. A facility commenced on or after June 29, 1979, but prior to the effective date of this regulation, and is a portion of a major source located in an attainment area or marginal nonattainment area shall be exempt from this regulation except that control devices and procedures required at the time it commenced shall continue to remain. This amendment is found in the following regulations:

- Regulation 401 KAR 59:185,
- Regulation 401 KAR 59:190, and
- Regulation 401 KAR 59:210.

The following regulations have the same revisions as above except the date

February 4, 1981 should be used in lieu of June 29, 1979. Also the following regulations were amended to eliminate the following language, "The provisions of this regulation shall not apply to affected facilities in the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union prior to designation of such counties non attainment for ozone under 401 KAR 51:010:"

Regulation 401 KAR 59:212,
Regulation 401 KAR 59:214,
Regulation 401 KAR 59:225,
Regulation 401 KAR 59:230, and
Regulation 401 KAR 59:240.

The Applicability was amended to state that this regulation shall apply to each affected facility commenced before June 29, 1979, which is located in a county or a portion of county which is designated ozone nonattainment for any nonattainment classification except marginal under 50:010. The following regulations were revised:

Regulation 401 KAR 61:090,
Regulation 401 KAR 61:095,
Regulation 401 KAR 61:100,
Regulation 401 KAR 61:105,
Regulation 401 KAR 61:110,
Regulation 401 KAR 61:120,
Regulation 401 KAR 61:125,
Regulation 401 KAR 61:130,
Regulation 401 KAR 61:132,
Regulation 401 KAR 61:137,
Regulation 401 KAR 61:155, and
Regulation 401 KAR 61:160.

The Applicability was amended to state that this regulation shall apply to each affected facility commenced on or before June 6, 1979, which is located in a county or a portion of county which is designated ozone nonattainment for any nonattainment classification except marginal under 50:010. The following regulations were revised:

Regulation 401 KAR 59:175, and
Regulation 401 KAR 61:085.

Compliance

The Compliance Section, subsection (2) was amended to state that capture efficiency shall be determined by procedures specified in 401 KAR 50:047 in all ozone nonattainment areas except marginal. Subsection (4) was amended to add that EPA Reference Method 24 has been incorporated by reference and shall be used to determine compliance of the coatings. This subsection was also amended to state that case-by-case alternatives approved by the cabinet, but not previously authorized by the EPA must be submitted to the EPA as a SIP revision. Additionally, this subsection was amended to delete four (4) methods which determined

compliance of coatings. Subsections (5)–(8) were added to detail rules for compliance. This amendment is found in the following regulations:

Regulation 401 KAR 59:190,
Regulation 401 KAR 59:210,
Regulation 401 KAR 59:212,
Regulation 401 KAR 59:214, and
Regulation 401 KAR 59:225.

The following regulations have the same amendments as detailed above except that subsection (2) was amended to state that "capture efficiency shall be determined by procedures specified in 401 KAR 50:047" in lieu of "capture efficiency shall be determined by procedures specified in 401 KAR 50:047 in all ozone nonattainment areas except marginal:"

Regulation 401 KAR 61:100,
Regulation 401 KAR 61:105,
Regulation 401 KAR 61:110,
Regulation 401 KAR 61:120,
Regulation 401 KAR 61:124,
Regulation 401 KAR 61:125,
Regulation 401 KAR 61:130, and
Regulation 401 KAR 61:132.

A compliance timetable section was added and states that affected facilities which were subject to this regulation as in effect on June 29, 1979, shall have achieved final compliance upon start-up. Facilities that become subject to this regulation for any reason other than construction, modification, or reconstruction have a detailed timetable to plan, contract, construct and implement pollution control equipment. An affected facility subject to this regulation because it is located in a county previously designated non-urban nonattainment or redesignated in 401 KAR 51:010 after November 15, 1990, final compliance may be extended to May 31, 1995. This amendment is found in the following regulations:

Regulation 401 KAR 59:185,
Regulation 401 KAR 59:190, and
Regulation 401 KAR 59:210.

The following regulations have the same amendments as above except the date is February 4, 1981, in lieu of June 29, 1979:

Regulation 401 KAR 59:212,
Regulation 401 KAR 59:214,
Regulation 401 KAR 59:225,
Regulation 401 KAR 59:230, and
Regulation 401 KAR 59:240.

The following regulations have the same amendments as above except the date is December 3, 1980, in lieu of June 29, 1979, and the date February 8, 1994 in lieu of May 31, 1995:

Regulation 401 KAR 59:175, and
Regulation 401 KAR 61:085.

The Compliance Section, section (7) was amended to include effective date

and final compliance date. Subsection (2) was amended and details a timetable for facilities that become subject to these regulations on or after the effective date of this regulation to plan, contract, construct and implement pollution control equipment. The following regulations were revised:

Regulation 401 KAR 61:095,
Regulation 401 KAR 61:100,
Regulation 401 KAR 61:105,
Regulation 401 KAR 61:110,
Regulation 401 KAR 61:120,
Regulation 401 KAR 61:125, and
Regulation 401 KAR 61:130.

Exemptions

The Exemptions Section was amended to state, "... if the VOC content of the coating is less than ... excluding water or exempt solvent or both, delivered ... in lieu of "... if the VOC content of the coating is less than ... excluding water delivered" Activity level criteria were added to this section which, if met, would exempt a facility from the provisions of the regulation. Finally, the final compliance date which has passed was deleted from this section in Chapter 59 regulations. The following regulations have been amended:

Regulation 401 KAR 59:190,
Regulation 401 KAR 59:210,
Regulation 401 KAR 59:212,
Regulation 401 KAR 59:214,
Regulation 401 KAR 61:100,
Regulation 401 KAR 61:105,
Regulation 401 KAR 61:110,
Regulation 401 KAR 61:120,
Regulation 401 KAR 61:124,
Regulation 401 KAR 61:125,
Regulation 401 KAR 61:130, and
Regulation 401 KAR 61:132.

The Exemption Section was amended to reflect a monthly throughput level of 10,000 gallons in lieu of an annual throughput of 120,000 gallons in the following regulations:

Regulation 401 KAR 59:175, and
Regulation 401 KAR 61:085.

Variances

The Variance Section in the following regulations was deleted:

Regulation 401 KAR 59:210,
Regulation 401 KAR 59:212,
Regulation 401 KAR 59:214,
Regulation 401 KAR 59:225,
Regulation 401 KAR 59:230,
Regulation 401 KAR 61:090,
Regulation 401 KAR 61:120,
Regulation 401 KAR 61:124,
Regulation 401 KAR 61:132,
Regulation 401 KAR 61:150, and
Regulation 401 KAR 61:155.

Regulation 401 KAR 50:010. Definitions and Abbreviations of Terms Used in Title 401, Chapters 50, 51, 53, 55, 57, 59, 61, 63, and 65

Section 1 was revised to state that the definitions not defined in this regulation have the meaning given to them in KRS224.01-010 in lieu of 224.005.

Definitions (2), (4), (10), and (16) were revised to reference KRS 224.01-010 in lieu of KRS 224.005.

Definitions (21), (30), (31), (48), and (49) were added to define the five (5) classifications of nonattainment—marginal, moderate, serious, severe, and extreme.

Definition (61) "Volatile organic compound" was amended to add additional compounds to be exempt from the definition because they do not participate in atmospheric photochemical reactions. This definition was revised to be consistent with EPA's definition (36 FR 11418), with the exception that will be described below.

Section 3. Definitions for (1) "Capture," (2) "Capture system," (3) "Capture efficiency," (4) "Control device," (5) "Control system," (6) "Destruction of removal system," (7) "Gas-gas method," (8) "Hood," (9) "Liquid-gas method," (10) "Overall emission reduction efficiency" were added.

Regulation 401 KAR 50:012. General Application

Subsection 1(4) was added to state "Except as provided by 401 KAR 50:055, nothing in these regulations shall allow a source to remove control equipment or discontinue procedures previously required in a nonattainment area to achieve the national ambient air quality standards until a SIP containing different requirements has been approved by the U.S. EPA."

Regulation 401 KAR 50:047. Test Procedures for Capture Efficiency

This regulation was added to define procedures for determining capture efficiency.

Section 1 defines (1) "Capture," (2) "Capture system," (3) "Capture efficiency," (4) "Capture efficiency protocol," (5) "Control device," (6) "Control system," and (7) "Hood."

Section 2 states "This regulation shall apply to all regulated VOC emitting processes employing a control system which are located in an ozone nonattainment area except marginal."

Section 3 defines the procedure for an affected facility to submit and Kentucky to approve a proposed capture efficiency protocol.

Regulation 401 KAR 50:010. Definitions and Abbreviations of Terms Used in Title 401, Chapters 50, 51, 53, 55, 57, 59, 61, 63, and 65. Regulation 401 KAR 51:001. Definitions and Abbreviations of Terms Used in Title 401, Chapter 51. Regulation 401 KAR 59:001. Definitions and Abbreviations of Terms Used in Title 401, Chapter 59. Regulation 401 KAR 61:001. Definitions and Abbreviations of Terms Used in Title 401, Chapter 61. Regulation 401 KAR 63:001. Definitions and Abbreviations of Terms Used in Title 401, Chapter 63

Regulations 51:001, 59:001, 61:001 and 63:001 were added to define terms and abbreviations for chapters 51, 59, 61 and 63, respectively.

These regulations are, at present, still deficient in their definition of VOCs. Currently, these definitions state "For the purposes of determining compliance with emission limits, VOCs shall be measured by test methods that have been approved by the cabinet." These regulations must state that alternative test methods shall have prior approval from the EPA. In a letter dated March 25, 1994, the Commonwealth committed to correct these deficiencies for the VOC definitions by March 15, 1995. The EPA is conditionally approving this portion of the SIP submittals, dependant upon the Commonwealth's correction of the deficiencies by March 15, 1995.

Regulation 401 KAR 51:010. Attainment Status Redesignations

Sections 1, 2 and 3 were amended to reference section 4, section 5, section 6, section 7, or section 8 in lieu of Appendix A, Appendix B, Appendix C, Appendix D, or Appendix E respectively.

Section 2(2) was amended to reference "Section 107(d)(1) of 42 U.S.C. 7407 et seq" in lieu of "Section 107(d)(1) of the Clean Air Act."

Sections previously titled "Appendix A," "Appendix B," "Appendix C," "Appendix D" and "Appendix E" were amended to be titled "Section 4," "Section 5," "Section 6," "Section 7" and "Section 8" respectively.

Regulation 401 KAR 51:017. Prevention of Significant Deterioration of Air Quality

Definitions (1), (2), (5), (7), (12), (14), (15), and (23), were amended to more specifically reference "the Clean Air Act, 42 U.S.C. 7401."

Definition 1, subsection (3)(c) was added to state that fugitive emissions shall not be counted unless the source belongs to one of the twenty-seven (27) categories listed in this subsection.

Definition (3) "Net emission increase," was amended to include the

following underlined words, "An increase or decrease in actual emissions of sulfur dioxide, particulate matter, or nitrogen oxides which occurs before the applicable minor source baseline date is creditable only if it shall be considered in calculating the amount of maximum allowable increases remaining available." Also, the definition was changed from " * * * creditable only if it is required to be considered * * *" to " * * * creditable only if it shall be considered * * *"

Definition (6) "Building, structure, facility, or installation" was revised to incorporate by reference the Standard Industrial Classification Manual, 1987.

Definitions (13) "Baseline concentration" and (15) "Baseline area" were amended and (14) "Major source baseline date" was added. The definitions define baseline concentrations in terms of minor source and major source baseline concentrations.

Definition (17) "Federally enforceable" was amended to add "40 CFR Part 51, including operating permits issued under an EPA-approved program incorporated into the State Implementation Plan," as federally enforceable limitations and conditions.

Definition (21) "Actual emissions" was amended to state that actual emissions shall be those emitted during the two (2) year period which proceeds a date in lieu of a two year period prior to a date. The definition was amended to state that the cabinet "may allow" the use of a different time period in lieu of "shall allow" the use of different time period.

Definition (23) "Significant" was amended to reference pollutants listed in "Section 22" of this regulation which was previously "Appendix A."

Definition (28) "State Implementation Plan" was deleted.

Section 3 was amended to state that increases in pollutant concentrations will be limited to levels specified in "Section 23" which was previously "Appendix B."

Subsection 5(1) was amended to add "which were in existence on August 7, 1977," to the definition of Class 1 areas.

Subsection 5(4) was added to define areas that may only be redesignated as Class I or II areas.

Subsection 6(1)(d) was amended to include nitrogen oxides to the list of pollutants whose temporary concentrations may be excluded from determining compliance with a maximum allowable increase. The subsection was also amended to state that subsection (4) of this section contains the criteria that must be met for a temporary exclusion.

Subsection 6(3) was amended to reference "40 CFR 51.166" in lieu of "40 CFR 51.24."

Subsection 6(4) was amended to add the language, "For the purposes of excluding concentrations pursuant to subsection (1)(d) of this section * * *," to state what can be excluded if the listed criteria are met. The subsection was also amended to add nitrogen oxides to the list of pollutants for the purposes of excluding temporary concentrations.

Section 8(8) was amended to reference "Section 24" of this regulation which was "Appendix C" to this regulation.

Section 8(9)(b) was amended to add "40 CFR 52.21" to the criteria which determine which sources are applicable to section 12 of this regulation.

Section 11 was amended to reference "401 KAR 50:040" in lieu of "401 KAR 50:015."

Section 12(1)(d) was amended to state, " * * * except that, if the cabinet determines that the monitoring data gathered over a period shorter than one (1) year (but not to be less than four (4) months) will be obtained during a time period when maximum air quality levels can be expected, * * *" in lieu of "except that, if the applicant demonstrates through historical data or dispersion models that the monitoring data gathered over a period shorter than one (1) year (but not to be less than four (4) months) will be obtained during a time period when maximum air quality levels can be expected, * * *"

Section 12(3) references 401 KAR 50:015. This section was amended to reflect that 401 KAR 50:015 has been incorporated into the SIP.

Section 15(8) was amended to reference "Section 26" which was previously "Appendix E."

Section 18 was amended to more specifically reference "the National Environmental Policy Act, 42 U.S.C. 4321."

Section 19(2)(e) was added as a criteria for determining if a source may employ innovative control technology. This criteria states that section 15 of this regulation relating to Class I areas must be satisfied for all periods during the life of the source or modification.

Section 21 was added to incorporate by reference the 1987 Standard Industrial Classification Manual.

Sections previously titled "Appendix A," "Appendix B," "Appendix C," "Appendix D" and "Appendix E" were amended to be titled "Section 22," "Section 23," "Section 24," "Section 25" and "Section 26" respectively.

Regulation 51:052. Review of New Sources in or Impacting on Nonattainment Areas

Section 1, Definitions, was amended to reference 401 KAR 51:001 in lieu of 401 KAR 50:010.

Section 1: Definitions (7), (13), (14), (23) and (24), section 2, and section 3(2) were amended to reference "42 U.S.C. 7401 et seq." in lieu of "the Clean Air Act."

Definition (13), "Major Modification," was amended to reference "40 CFR 51.165" in lieu of "40 CFR 51.18."

Definition (14), "Major stationary source," was amended to determine the definition of a major stationary source dependant on the attainment or level of nonattainment of the area which contains the source.

Regulation 59:175. New Service Stations. Regulation 61:085 Existing Service Stations

Definition (7) "Interlocking system" was eliminated.

Section 3(c) removed all references to interlocking systems.

Regulation 401 KAR 59:225. New Miscellaneous Metal Parts and Products Surface Coating Operations. Regulation 401 KAR 61:132. Existing Miscellaneous Metal Parts and Products Surface Coating Operations

Definition (15) "Glass primer" was added to both regulations and means a primer applied to the body of a vehicle to etch the topcoat for the purpose of ensuring a positive bond with the adhesive used to secure the windshield and back glass to the vehicle in a manner consistent with federal safety regulations.

In KAR 61:132, section 5 Compliance Timetable was amended to state, "Affected facilities which were subject to this regulation as in effect on February 4, 1981, shall have achieved final compliance by December 31, 1982." Subsection (2) was amended and details a timetable for facilities that become subject to this regulation on or after the effective date of this regulation to plan, contract, construct and implement pollution control equipment.

In KAR 52:225, Section 6 Exemptions was amended to detail what conditions will enable an affected facility to be exempt from this regulation. Section 6(4) was added to exempt sources from this regulation that use less than fifty-five (55) gallons during the past twelve (12) months. Section 6(5) was added to exempt glass primer with a VOC content equal to or less than 6.9 lb/gal of glass primer, excluding water or exempt solvent or both.

Regulation 401 KAR 59:230. New Synthesized Pharmaceutical Product Manufacturing Operations. Regulation 401 KAR 61:150. Existing Synthesized Pharmaceutical Product Manufacturing Operations

In KAR 59:230, section 6 was amended to add, "If the cabinet requests it, the owner shall demonstrate to the cabinets satisfaction why repairs could not be completed within the initial fifteen day period." The section was also amended to add, "Case-by-case alternatives approved by the cabinet, but not previously authorized by the EPA, shall be submitted to the EPA as a SIP revision."

In KAR 61:150, section 2 Applicability was amended to state that this regulation shall apply to each affected facility commenced before February 4, 1981, which is located in a county or a portion of county which is designated ozone nonattainment for any nonattainment classification except marginal under 50:010. The applicability section was amended to eliminate the language which states sections 3(4) and 4(3) of this regulation shall not apply to affected facilities the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union.

In KAR 61:150, section 3 Standard for VOCs, section 6 was amended to add, "If the cabinet requests it, the owner shall demonstrate to the cabinets satisfaction why repairs could not be completed within the initial fifteen (15) day period." The section was also amended to add, "Case-by-case alternatives approved by the cabinet, but not previously authorized by the EPA, shall be submitted to the EPA as a SIP revision."

In KAR 61:150, section 4 Compliance Timetable was amended to state, "Affected facilities which were subject to this regulation as in effect on February 4, 1981, shall have achieved final compliance by December 31, 1982." Subsection (2) was amended and details a timetable for facilities that become subject to this regulation on or after the effective date of this regulation to plan, contract, construct and implement pollution control equipment.

Regulation 401 KAR 59:240. New Perchloroethylene Dry Cleaning Systems. Regulation 401 KAR 61:160. Existing Perchloroethylene Dry Cleaning Systems

In KAR 59:240 and KAR 61:160, section 7 Variances was amended to add, "Case-by-case alternatives approved by the cabinet, but not previously authorized by the EPA, shall

be submitted to the EPA as a SIP revision."

In KAR 61:160, Section 2

Applicability was amended to eliminate the language which states sections 3(4) and 4(3) of this regulation shall not apply to affected facilities the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union.

In KAR 61:160, section 4 Compliance, subsection (3) was amended to state that ASTM methods have been incorporated in 401 KAR 50:015 in lieu of filed by reference in 401 KAR 50:015.

In KAR 61:160, section 5 Compliance Timetable was amended to state, "Affected facilities which were subject to this regulation as in effect on February 4, 1981, shall have achieved final compliance by December 31, 1982." Subsection (2) was amended and details a timetable for facilities that become subject to this regulation on or after the effective date of this regulation to plan, contract, construct and implement pollution control equipment.

Regulation 401 KAR 59:315. Specific New Sources

This regulation is new and states the following.

Regulations 61:055, 61:090, 61:105, 61:110, 61:125, 61:130, 61:137, 61:155, and 61:175 shall apply to: (1) Each affected facility commenced on or after the classification date defined in section 1 of the corresponding regulation and located in a county or portion of a county designated as nonattainment for ozone in 51:010, for any classification except marginal and (2) each affected facility commenced on or after the effective date of this regulation which is part of a major source located in a county or portion of a county designated attainment or marginal nonattainment for ozone in 51:010. Each facility commenced on or after the classification date defined in section 1 of the corresponding regulation but prior to the effective date of this regulation which is part of a major source located in a county or portion of a county designated attainment or marginally nonattainment for ozone in 51:010 shall be exempt from this regulation except that control devices and procedures required at the time it commenced shall continue to be maintained. If a requirement of any other regulation of the Division for Air Quality is more stringent, then the more stringent requirement shall apply.

Regulation 401 KAR 61:050. Existing Storage Vessels for Petroleum Liquids

Section 2 Applicability was amended to state, "This regulation shall apply to

each affected facility commenced before April 9, 1972, and is located in a county or portion of a county which is designated ozone nonattainment for any nonattainment classification except marginal under 50:010. This regulation shall not apply to storage vessels located on a farm and used exclusively for storing petroleum liquids by the farm." The applicability section was amended to eliminate the language, "The provisions of Sections 3(4) and 4(3) of this regulation shall not apply to affected facilities the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union prior to designation of such counties nonattainment for ozone under 401 KAR 51:010."

Section 6 Compliance Timetable was added and details a timetable for facilities that become subject to this regulation on or after the effective date of this regulation to plan, contract, construct and implement pollution control equipment.

Regulation 401 KAR 61:090. Existing Automobile and Light-Duty Truck Surface Coating Operations

Section 2 Applicability was amended to state that this regulation shall not apply to affected facilities which are subject to local air pollution control district regulations which have been approved by the cabinet and the EPA.

Section 4 Compliance was amended to add, "If applicable, compliance is determined by 'Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light-Duty Truck Topcoat Operations' which has been incorporated by reference in section 7 of this regulation." The section was amended to add, "Capture efficiency shall be determined by procedures specified in 50:047." Additionally, this subsection was amended to eliminate four (4) methods which determined compliance of coatings.

Section 5 Compliance Timetable was amended to add, "Affected facilities which were subject to this regulation as in effect June 29, 1979, shall have achieved final compliance by January 1, 1983, for prime coatings systems and final repair systems and by January 1, 1986 for topcoat systems." Subsection (2) was amended and details a timetable for facilities that become subject to this regulation on or after the effective date of this regulation to plan, contract, construct and implement pollution control equipment. The old subsection (2) detailing a compliance timetable for topcoat systems was deleted.

Section 6 Exemptions was amended to state "excluding water or exempt solvents or both" in lieu of "excluding water." Subsection 6(4) was added to state the following as an exemption, "Low-use coatings shall be exempt from section 3 of this regulation if the plant wide consumption of these coatings in the aggregate is less than or equal to fifty-five (55) gallons during the previous twelve (12) months."

Section 7 was added to incorporate by reference, the "Protocol for Determining the Daily Volatile Organic Compound Emission Rate of Automobile and Light Duty Truck Topcoat Operations." The section also details where the above document is available for public inspection and copying.

Regulation 401 KAR 61:124. Existing Factory Surface Coating Operations of Flat Wood Paneling

Section 2, Applicability was amended to state that this regulation shall apply to each affected facility commenced before February 4, 1981, which is located in a county or a portion of county which is designated ozone nonattainment for any nonattainment classification except marginal under 50:010. The applicability section was amended to eliminate the language which states sections 3(4) and 4(3) of this regulation shall not apply to affected facilities the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union prior to designation of such counties nonattainment for ozone under 401 KAR 51:010.

Section 5, Compliance Timetable was amended to state, "Affected facilities which were subject to this regulation as in effect on February 4, 1981, shall have achieved final compliance by December 31, 1982." Subsection (2) was amended and details a timetable for facilities that become subject to this regulation on or after the effective date of this regulation to plan, contract, construct and implement pollution control equipment.

Regulation 401 KAR 61:137. Leaks From Existing Petroleum Refinery Equipment

Section 2, Applicability was amended to eliminate the language which states sections 3(4) and 4(3) of this regulation shall not apply to affected facilities the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union.

Section 4, Monitoring and Reporting Requirements, section (6) was amended to add, If the cabinet requests it, the owner shall demonstrate to the cabinets satisfaction why repairs could not be completed within the initial fifteen day

period. The section was also amended to add, "Case-by-case alternatives approved by the cabinet, but not previously authorized by the EPA, shall be submitted to the EPA as a SIP revision."

Section 5, Test Methods and Procedures was amended to incorporate Method 21. Language stating that test methods are filed in Appendix B was deleted.

Section 6, Compliance Timetable was amended to state, "Affected facilities which were subject to this regulation as in effect on February 4, 1981, shall have achieved final compliance by December 31, 1982." Subsection (2) was amended and details a timetable for facilities that become subject to this regulation on or after the effective date of this regulation to plan, contract, construct and implement pollution control equipment.

Section 7, Modifications was amended to eliminate the following language, "Variation with the standards and limitations contained in this regulation, when supported by adequate technical information will be considered by the cabinet on a case-by-case basis to allow for technological or economic circumstances which are unique to a source."

Regulation 401 KAR 61:155. Existing Pneumatic Rubber Tire Manufacturing Plants

Section 2, Applicability was amended to eliminate the language which states sections 3(4) and 4(3) of this regulation shall not apply to affected facilities the following counties: Garrard, Graves, Hopkins, Laurel, Montgomery, Nelson, Pulaski, Scott, Taylor, Trigg, and Union.

Section 4, Compliance, subsection (2) was amended to state that capture efficiency shall be determined by procedures specified in 401 KAR 50:047.

Section 5, Compliance Timetable was amended to state, "Affected facilities which were subject to this regulation as in effect on February 4, 1981, shall have achieved final compliance by December 31, 1982." Subsection (2) was amended and details a timetable for facilities that become subject to this regulation on or after the effective date of this regulation to plan, contract, construct and implement pollution control equipment.

Regulation 61:175. Leaks From Existing Synthetic Organic Chemical and Polymer Manufacturing Equipment

This regulation was amended to reference 401 KAR 59:305 in lieu of 40 CFR 60, Sub-part VV.

Definition (3) "Synthetic organic chemical manufacturing plant" was amended to eliminate the language, "in

40 CFR 60, Sub-part VV, filed by reference."

Section 2, Applicability was amended to state that this regulation shall apply to each affected facility commenced before January 5, 1981, which is located in a county or a portion of county which is designated ozone nonattainment for any nonattainment classification except marginal under 50:010. The section was also amended to add, "This regulation shall not apply to components within a petroleum refinery complex." Leaks from new and existing petroleum refinery equipment shall be regulated by 401 KAR 59:049 and 401 KAR 61:137, respectively.

Section 4, Monitoring and Reporting Requirements, Subsection (4) was amended to add, "If the cabinet requests it, the owner shall demonstrate to the cabinets satisfaction why repairs could not be completed within the initial fifteen (15) day period." The section was also amended to add, "Case-by-case alternatives approved by the cabinet, but not previously authorized by the EPA, shall be submitted to the EPA as a SIP revision."

Section 6, Compliance Timetable was amended to state, "Affected facilities which were subject to this regulation as in effect on December 2, 1986, shall have achieved final compliance by January 1, 1988." Subsection (2) outlines a timetable for achieving compliance.

The following language in section 8(3) was deleted, "Variation with the standards and limitations contained in this regulation when supported by adequate technical information will be considered by the cabinet on a case-by-case basis to allow for technological or economic circumstances which are unique to a source."

Regulation 401 KAR 63:025. Asphalt Paving Operations

Section 2, Applicability was amended to state, "This regulation is applicable to all asphalt paving operations which are located in a county or portion of a county which is designated ozone nonattainment, for any nonattainment classification except marginal, under 401 KAR 51:010."

Section 3, Standard for VOCs was amended to state, "If this requirement becomes applicable because the county was previously designated non-urban nonattainment or redesignated in 401 KAR 51:010 after November 15, 1990, compliance is extended to May 31, 1995."

Regulation 63:031 Leaks From Gasoline Tank Trucks

Section 1, Definitions, was amended to reference 401 KAR 63:001 in lieu of 401 KAR 50:010, 401 KAR 61:055, and 401 KAR 61:056.

In Section 1, definitions for "Bulk gasoline plant" or "bulk plant," "Bulk gasoline terminal" or "bulk terminal," "Gasoline," and "Vapor collection system" were added for clarification.

In Section 1, the definition for "Kentucky pressure vacuum test sticker" was amended for clarification.

Section 2, Applicability, was amended to include parts of counties that were in nonattainment areas, or those areas classified as greater than marginal nonattainment.

Section 3, Standard for Volatile Organic Compounds, was amended to clarify the location of the sticker required by this regulation. Changes were also made to this section for clarification.

Section 4, Compliance, was amended to reference Appendix B of "Control of Volatile Organic Compound Leaks from Gasoline Tank Trucks and Vapor Collection Systems" (OAQPS 1.2-199, U.S. EPA, Office of Air Quality Planning and Standards), in lieu of Appendix A. Other minor changes were made for clarification.

Section 5, Sticker Application and Fee, was amended to recodify various minor changes for clarity.

Section 5(4) was added to limit the time the cabinet has to advise the owner of an incomplete application to within fifteen (15) days. Additionally, the regulation was amended to require that the cabinet determine approvability of the application within thirty (30) days of receipt of a complete application.

Section 5(5) was added to allow stickers which were issued under the previous version of this regulation to be valid for one year from the effective date of the sticker.

Section 5(6) was added to specify the amount of time that a facility has to comply with this regulation if new areas should become classified as nonattainment.

Section 5(7) was added to require gasoline tank trucks operated in the Commonwealth yet owned and complying with another state's program shall be required to obtain a sticker in accordance with section 5.

Section 5(8) was originally section 5(3), and was renumbered for clarity.

Section 6 was added to the regulation to describe the forms required to apply for certification, as well as the locations where they could be found.

Final Action

EPA is today approving the above referenced revision to the Kentucky SIP, with the exception of proposed revisions to Rules KAR 50:010, 51:001, 59:001, 61:001 and 63:001 for which we are issuing a conditional approval. These revisions are consistent with EPA guidelines.

The Commonwealth has committed to correct deficiencies in their definition of VOCs in Rules KAR 50:010, 51:001, 59:001, 61:001 and 63:001. Currently, these definitions state "For the purposes of determining compliance with emission limits, VOCs shall be measured by test methods that have been approved by the cabinet." These regulations must state that alternative test methods shall have prior approval from the EPA. In a letter dated March 25, 1994, the Commonwealth committed to correct these deficiencies for the VOC definitions by March 15, 1995. The EPA is conditionally approving this portion of the SIP submittals, dependant upon the Commonwealth's correction of the deficiencies by March 15, 1995.

Because Kentucky has made a commitment that EPA believes meets the requirements necessary for EPA to grant conditional approval, EPA is conditionally approving these proposed revisions under section 110(k)(4) of the CAA. In order for EPA to take final action on the commitment, the State must meet their commitment to adopt the identified provisions by March 15, 1995, and submit them to EPA within the time specified in this schedule. If the State fails to adopt or submit these rules to EPA within this time frame, this approval will become a disapproval on that date. EPA will notify the area by letter that this action has occurred. At that time, this commitment will no longer be a part of the approved Kentucky SIP. EPA subsequently will publish a notice in the notice section of the *Federal Register*. If Kentucky adopts and submits these rules to EPA within the applicable time frame, the conditionally approved submission will remain a part of the SIP until EPA takes final action approving or disapproving the new submittal. If EPA disapproves the new submittal, the conditionally approved submittal will also be removed from the SIP. Moreover, the rules on which the conditional approval was based will also be disapproved at that time. If EPA approves the submittal, those newly approved rules will become a part of the SIP and will modify or replace the commitment and the rules on which the conditional approval is based.

If EPA determines that it cannot issue a final, conditional approval or if the conditional approval is converted to a disapproval, the sanctions clock under section 179(a) will begin. This clock will begin at the time EPA issues the final disapproval or on the date Kentucky fails to meet its commitment. In the latter case, EPA will notify the area by letter that the conditional approval has been converted to a disapproval and that the sanctions clock has begun. If the State does not submit and EPA does not approve the rule on which the disapproval was based within 18 months of the disapproval, EPA must impose one of the sanctions under section 179(b)—highway funding restrictions or the offset sanction. In addition, the final disapproval triggers the federal implementation plan (FIP) requirement under section 110(c).

This action is being taken without prior proposal because the changes are noncontroversial and EPA anticipates no significant comments on them. The public should be advised this action will be effective on August 22, 1994. However, if notice is received within 30 days that someone wishes to submit adverse or critical comments, this action will be withdrawn and two subsequent notices will be published. One notice will withdraw the final action and another will begin a new rulemaking by announcing a proposal of the action and establishing a comment period.

On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted, Public Law 101-549, 104 Stat. 2399, codified at 42 U.S.C. 7401-7671q. In the amended Act, Congress codified the requirement that States with areas classified as marginal or above, revise their SIPs for these classified ozone nonattainment areas so that the SIPs conform with EPA's pre-amendment guidance.³

Section 182(a)(2)(A) does not impose new requirements on the subject nonattainment areas. Rather, section 182(a)(2)(A) codifies the corrections nonattainment areas needed to make subject to the EPA SIP call letters issued in 1987 and 1988. Because the Kentucky SIP submittal meets the SIP call and, therefore, is consistent with the applicable pre-amendment guidance, EPA believes that the submittal also necessarily meets the requirements of section 182(a)(2)(A) of the amended Act. Section 182(a)(2)(A) established a

³ Among other things, the pre-amendment guidance consists of the Post-87 policy. 52 FR 45044 (Nov. 24, 1987) the Blue Book, "Issues Relating to VOC Regulations Cutpoints, Deficiencies, and Deviations, Clarification to Appendix D of November 24, 1987 *Federal Register* Notice" and the existing CTGs.

deadline of May 15, 1991, for submittal of these RACT fix-ups.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by August 22, 1994. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for purposes of judicial review, nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Act, 42 U.S.C. 7607(b)(2).)

Nothing in this action shall be construed as permitting or allowing or establishing a precedent for any future request for a revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 2 action by the Regional Administrator under the procedures published in the *Federal Register* on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget (OMB) waived Table 2 and Table 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years. The EPA has submitted a request for a permanent waiver for Table 2 and Table 3 SIP revisions. The OMB has agreed to continue the waiver until such time as it rules on EPA's request. The request continues in effect under Executive Order 12866 which superseded Executive Order 12291 on September 30, 1993.

Under the Regulatory Flexibility Act, 5 U.S.C. 600 *et seq.*, EPA must prepare a regulatory flexibility analysis assessing the impact of any proposed or final rule on small entities. 5 U.S.C. 603 and 604. Alternatively, EPA may certify that the rule will not have a significant impact on a substantial number of small entities. Small entities include small businesses, small not for profit enterprises, and government entities with jurisdiction over populations less than 50,000.

SIP approvals and conditional approvals under section 110 and subchapter I, part D of the CAA do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the federal SIP-approval does not impose any new requirements, EPA certifies that it does not have a

significant impact on any small entities affected. Moreover, due to the nature of the federal-state relationship under the CAA, preparation of a regulatory flexibility analysis would constitute federal inquiry into the economic reasonableness of State action. The CAA forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co. v. U.S.E.P.A.*, 427 U.S. 246, 256-66 (S.Ct. 1976); 42 U.S.C. 7410(a)(2).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Incorporation by reference, Ozone, Reporting and record keeping requirements, Volatile organic compounds.

Dated: April 13, 1994.

Patrick M. Tobin,

Acting Regional Administrator.

Part 52 of chapter I, title 40 of the Code of Federal Regulations is amended as follows:

PART 52—[AMENDED]

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7671q.

Subpart S—Kentucky

2. Section 52.920, is amended by adding paragraph (c)(69) to read as follows:

§ 52.920 Identification of plan.

* * * * *

(c) * * *

(69) Revisions to the Commonwealth of Kentucky State Implementation Plan (SIP) concerning the Commonwealth and Jefferson County, Kentucky for Volatile Organic Compounds were submitted on October 20, 1992, February 17, 1993, and March 4, 1993 by the Kentucky Natural Resources and Environmental Protection Cabinet.

(i) Incorporation by reference.

(A) Revisions to the following Jefferson County Regulations were effective November 18, 1992.

(1) Regulation 1.05. Compliance with Emission Standards and Maintenance Requirements.

(2) Regulation 1.06. Source Self-Monitoring and Reporting.

(3) Regulation 6.17. Standard of Performance for Existing Automobile and Truck Surface Coating Operations.

(4) Regulation 6.36. Standard of Performance for Existing Metal Parts and Products Surface Coating Operations at Heavy Duty Truck Manufacturing Plants.

(B) Revisions to the following Commonwealth of Kentucky Regulations were effective June 24, 1992.

(1) Regulation 401 KAR 50:010. Definitions and abbreviations of terms used in Title 401, Chapters 50, 51, 53, 55, 57, 59, 61, 63, and 65.

(2) Regulation 401 KAR 50:012. General application.

(3) Regulation 401 KAR 50:047. Test procedures for capture efficiency.

(4) Regulation 401 KAR 51:001. Definitions and abbreviations of terms used in Title 401, Chapter 51.

(5) Regulation 401 KAR 59:001. Definitions and abbreviations of terms used in Title 401, Chapter 59.

(6) Regulation 401 KAR 59:185. New solvent metal cleaning equipment.

(7) Regulation 401 KAR 59:190. New insulation of magnet wire operations.

(8) Regulation 401 KAR 59:210. New fabric, vinyl and paper surface coating operations.

(9) Regulation 401 KAR 59:212. New graphic arts facilities using rotogravure and flexography.

(10) Regulation 401 KAR 59:214. New factory surface coating operations of flat wood paneling.

(11) Regulation 401 KAR 59:225. New miscellaneous metal parts and products surface coating operations.

(12) Regulation 401 KAR 59:230. New synthesized pharmaceutical product manufacturing operations.

(13) Regulation 401 KAR 59:240. New perchloroethylene dry cleaning systems.

(14) Regulation 401 KAR 61:001. Definitions and abbreviations of terms used in Title 401, Chapter 61.

(15) Regulation 401 KAR 61:050. Existing storage vessels for petroleum liquids.

(16) Regulation 401 KAR 61:090. Existing automobile and light-duty truck surface coating operations.

(17) Regulation 401 KAR 61:095. Existing solvent metal cleaning equipment.

(18) Regulation 401 KAR 61:100. Existing insulation of magnet wire operations.

(19) Regulation 401 KAR 61:105. Existing metal furniture surface coating operations.

(20) Regulation 401 KAR 61:110. Existing large appliance surface coating operations.

(21) Regulation 401 KAR 61:120. Existing fabric, vinyl and paper surface coating operations.

(22) Regulation 401 KAR 61:124. Existing factory surface coating operations of flat wood paneling.

(23) Regulation 401 KAR 61:125. Existing can surface coating operations.

(24) Regulation 401 KAR 61:130. Existing coil surface coating operations.

(25) Regulation 401 KAR 61:132. Existing miscellaneous metal parts and products surface coating operations.

(26) Regulation 401 KAR 61:137. Leaks from existing petroleum refinery equipment.

(27) Regulation 401 KAR 61:150. Existing synthesized pharmaceutical product manufacturing operations.

(28) Regulation 401 KAR 61:155. Existing pneumatic rubber tire manufacturing plants.

(29) Regulation 401 KAR 61:160. Existing perchloroethylene dry cleaning systems.

(30) Regulation 401 KAR 61:175. Leaks from existing synthetic organic chemical and polymer manufacturing equipment.

(31) Regulation 401 KAR 63:001. Definitions and abbreviations of terms used in Title 401, Chapter 63.

(32) Regulation 401 KAR 63:025. Asphalt paving operations.

(C) Kentucky Regulation 401 KAR 59:315, Specific New Sources, effective June 24, 1992.

(D) Revisions to following Kentucky Regulations were effective February 8, 1993.

(1) Regulation 401 KAR 51:010. Attainment Status Designations.

(2) Regulation 401 KAR 59:175. New service stations.

(3) Regulation 401 KAR 61:085. Existing service stations.

(4) Regulation 401 KAR 63:031. Leaks from Gasoline Tanks.

(ii) Other Material. None.

3. Section 52.934, is revised to read as follows:

§ 52.934 VOC Rule Deficiency Correction.

(a) Section 1.02, 1.08, 6.12, 6.13, 6.16, 6.18, 6.19, 6.23, 6.29, 6.30, 6.31, 6.32, 6.33, 6.34, 6.35, 7.11, 7.12, 7.16, 7.18, 7.19, 7.23, 7.52, 7.56, 7.57, 7.58, 7.59, 7.60 and 7.61 of the Jefferson County portion of the Commonwealth of Kentucky SIP are being approved. The Commonwealth submitted these regulations to EPA for approval on February 12, 1992. These sections were intended to correct deficiencies cited in a letter calling for the Commonwealth to revise its SIP for ozone from Greer C. Tidwell, the EPA Regional Administrator, to Governor Wallace G. Wilkinson on May 26, 1988, and clarified in a letter from Winston A. Smith, Air, Pesticides & Toxics Management Division Director, to William C. Eddins, Director of the Commonwealth of Kentucky Division for Air Quality.

(b) Section 1.05, 1.06, 6.17, 6.36, 6.37, and 6.40 of the Jefferson County portion of the Commonwealth of Kentucky SIP are being approved. The Commonwealth

submitted these regulations to EPA for approval on March 4, 1993. These sections were intended to correct deficiencies cited in a letter calling for the Commonwealth to revise its SIP for ozone from Greer C. Tidwell, the EPA Regional Administrator, to Governor Wallace G. Wilkinson on May 26, 1988, and clarified in a letter from Winston A. Smith, Air, Pesticides & Toxics Management Division Director, to William C. Eddins, Director of the Commonwealth of Kentucky Division for Air Quality.

(c) Deficiencies in 1.12 Emissions Trading, however, have not been corrected. The above deficiencies must be corrected according to the letters mentioned above, the proposed post-1987 ozone policy (52 FR 45044), and other EPA guideline relating to the deficiencies before the SIP for ozone can be fully approved.

[FR Doc. 94-15262 Filed 6-22-94; 8:45 am]

BILLING CODE 5560-50-P

40 CFR Part 52

[VA 23-1-6345; FRL-4895-3]

Approval and Promulgation of Air Quality Implementation Plans; Commonwealth of Virginia; Stage II Vapor Recovery Regulation for Gasoline Dispensing Facilities

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the Commonwealth of Virginia. This revision establishes and requires the installation and use of Stage II vapor recovery equipment on facilities dispensing gasoline to motor vehicles in the Northern Virginia and Richmond nonattainment areas classified serious and moderate, respectively.

On November 5, 1992, the Commonwealth of Virginia submitted a SIP revision request to EPA to satisfy the Clean Air Act (the Act). The Act requires ozone nonattainment areas classified as moderate or worse to require owners and operators of gasoline dispensing facilities within those areas to install and operate Stage II vapor recovery equipment. This revision applies to the Virginia portion of the Washington, DC ozone nonattainment area and the Richmond ozone nonattainment area. The revision also contains several other minor amendments to Virginia's Rule 4-37. Although these changes do not necessarily pertain to the Stage II

program, they will affect the non-Stage II requirements previously established by this rule. The intended effect of this action is to approve Virginia's Stage II program. This action is being taken under section 110 of the Clean Air Act.

EFFECTIVE DATE: This final rule will become effective on July 25, 1994.

ADDRESSES: Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air, Radiation, and Toxics Division, U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107; and at the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460. Copies of relevant documents may also be available at the Virginia Department of Environmental Quality, 629 East Main Street, Richmond, Virginia, 23219.

FOR FURTHER INFORMATION CONTACT: Brian K. Rehn, (215) 597-4554 at the Region III address.

SUPPLEMENTARY INFORMATION: On February 4, 1994 (59 FR 5374), EPA published a notice of proposed rulemaking (NPR) for the Commonwealth of Virginia. The NPR proposed approval of title 120-01 of Virginia's Regulations for the Abatement of Air Pollution, part IV, Rule 4-37 (sections 120-04-3701 to 120-04-3715); as well as appendices P and S of Rule 4-37. These elements were submitted by Virginia in a formal SIP revision on November 5, 1992. Appendix P of Virginia's VR 120-01, Rule 4-37 contains a list of VOC and nitrogen oxides emissions control areas in the Commonwealth. Virginia submitted this appendix to EPA for informational purposes only, and this appendix was not to be construed as an official portion of the SIP. Therefore, although EPA proposed approval of this section in its February 4, 1994 NPR, EPA is not approving Appendix P of Rule 4-37 in today's action. In today's action EPA is also revoking the text found at title 40, § 52.2439 of subpart VV of the Code of Federal Regulations and placing that section in reserve. This subsection provided for the control of evaporative losses from the filling of gasoline tanks, but its compliance date was deferred indefinitely in a January 6, 1975 Federal Register document (40 FR 1127). Today's action supersedes this previous action for the control of vehicle emissions from the refueling of vehicular tanks. Other specific requirements of Virginia's Stage II regulation, as well as the other emission standards for petroleum liquid storage

and transfer operations included under Rule 4-37, and the rationale for EPA's proposed action are explained in the NPR and will not be restated here. No public comments were received on the NPR.

Final Action

EPA is approving title 120-01 of Virginia's Regulations for the Abatement of Air Pollution, Rule 4-37 (sections 120-04-3701 to 120-04-3715), and appendix S of Rule 4-37, as a revision to the Virginia SIP. These regulations provide for the reduction in emissions from petroleum liquid storage and transfer operations—particularly by requiring the installation and use of Stage II vapor recovery equipment for the control of vehicle refueling emissions. In today's action, EPA is also revoking 40 CFR 52.2439 and reserving that subsection.

SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements but simply approve requirements that the State is already imposing. Therefore, because the Federal SIP approval does not impose any new requirements, I certify that it does not have a significant impact on any small entities affected. Moreover, due to the nature of the Federal-State relationship under the Act, preparation of a flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIP's on such grounds. *Union Electric Co. v. U.S. EPA*, 427 U.S. 246, 255-66 (1976); 42 U.S.C. 7410(a)(2).

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any state implementation plan. Each request for revision to the state implementation plan shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a Table 2 action for signature by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225). However, in an October 4, 1993 memorandum, the Acting Assistant Administrator for Air and Radiation, Michael H. Shapiro, revised these SIP tables so that Table 2 final actions on which no adverse comments were received on the proposed rule may be delegated to Table 3 actions. A future document will inform the general public of these tables. On January 6, 1989, the Office of Management and Budget